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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12
13 UNITED STATES OF AMERICA,) No. CR 06-267 SI
14 Plaintiff,) [PROPOSED] ORDER AND STIPULATION
15 v.) (1) EXCLUDING TIME FROM
16 JOE MILAM CATHEY,) SEPTEMBER 22, 2006 TO NOVEMBER 17,
17 Defendant.) 2006 FROM THE SPEEDY TRIAL ACT
CALCULATION
(18 U.S.C. § 3161(h)(8)(A))
18

19 The parties appeared before the Honorable Susan Illston on September 22, 2006 and
20 October 20, 2006.

21 With the agreement of counsel for both parties, the Court found and held as follows:

22 1. The parties agreed to an exclusion of time under the Speedy Trial Act from September
23 22, 2006 to November 17, 2006, in light of the need for the advisory counsel to review the case
24 and meet with the Defendant, and for the parties to discuss an appropriate resolution of the case.
25 In addition, the Defendant's counsel will be out of town and unavailable for several Fridays
26 between October 22 and November 17. Thus, failure to grant the requested continuance would
27 unreasonably deny defense counsel reasonable time necessary for effective preparation, and
28

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would deny the defendant continuity of counsel.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from September 22, 2006 to November 17, 2006 outweigh the best interest of the public and the defendant in a speedy trial. *Id.* § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from September 22, 2006 to November 17, 2006 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 10/24/06

/S/
TRACIE L. BROWN
Assistant United States Attorney

DATED: 10/24/06

/S/
STEVEN KALAR
Attorney for Joe Milam Cathey

IT IS SO ORDERED.

DATED:



THE HON. SUSAN ILLSTON
United States District Judge

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